

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA, *ex rel*
GREGORY LYNN and PAULETTE HAMILTON

Plaintiff,

v.

Case No. 17-14168

CITY OF DETROIT,

Defendant.

**ORDER GRANTING IN PART PLAINTIFF'S MOTION
FOR SIXTY DAYS TO RETAIN COUNSEL**

Plaintiffs Gregory Lynn and Paulette Hamilton filed this *qui tam* action against Defendant City of Detroit on December 27, 2017, alleging Defendant filed false claims for federal funds. (ECF No. 1, PageID.13-16.) The case was delayed while the federal government considered whether to intervene in the lawsuit. On November 12, 2020, the government notified the court of its election to decline intervention. (ECF No. 27.)

On February 24, 2021, Plaintiff Lynn moved for sixty days to retain counsel. (ECF No. 33.) Both Plaintiffs have proceeded *pro se* since April 4, 2019, when Plaintiffs' prior counsel withdrew. (ECF No. 9.) On February 25, 2021, Defendant filed a motion to dismiss, arguing that Plaintiffs cannot advance a *qui tam* action without an attorney. (ECF No. 34.) Defendant also filed a response to Plaintiff Lynn's motion for additional time to retain counsel. (ECF No. 35.)

Defendant accurately states that Plaintiffs have had the opportunity to retain counsel since April 4, 2019, when their prior attorney withdrew from the case. Almost

two years passed without action on the part of Plaintiffs. Further, Plaintiffs have known since November 2020 that the government will not seek intervention, and that the case will no longer be delayed. Defendant's February 25 motion to dismiss was readily foreseeable. Per Defendant's suggestion, the court will allow Plaintiffs thirty days, starting from the date of Plaintiff Lynn's motion, to retain counsel. (See ECF No. 35, PageID.198.) After the thirty days expires, the briefing deadlines for Defendant's motion to dismiss will be set pursuant to the local rules. See E.D. Mich. LR 7.1(e)(2).

Accordingly,

IT IS ORDERED that Plaintiff Lynn's "Motion for 60 Days to Retain Counsel" (ECF No. 33) is GRANTED IN PART. Plaintiffs must obtain counsel by **March 26, 2021**, or they will proceed *pro se*. Plaintiffs must respond to Defendant's Motion to Dismiss (ECF No. 34) by **April 9, 2021**.

s/Robert H. Cleland /
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: March 10, 2021

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, March 10, 2021, by electronic and/or ordinary mail.

s/Lisa Wagner /
Case Manager and Deputy Clerk
(810) 292-6522

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